

AMENDED IN ASSEMBLY JULY 2, 2014
AMENDED IN ASSEMBLY JUNE 25, 2014
AMENDED IN ASSEMBLY JUNE 17, 2014
AMENDED IN ASSEMBLY MAY 23, 2014
AMENDED IN ASSEMBLY SEPTEMBER 6, 2013
AMENDED IN ASSEMBLY SEPTEMBER 3, 2013
AMENDED IN ASSEMBLY AUGUST 15, 2013
AMENDED IN ASSEMBLY AUGUST 6, 2013
AMENDED IN ASSEMBLY JUNE 27, 2013
AMENDED IN SENATE MAY 24, 2013
AMENDED IN SENATE APRIL 16, 2013

SENATE BILL

No. 570

Introduced by Senator DeSaulnier

February 22, 2013

An act to add Chapter 9.7 (commencing with Section 4450) to Division 2 of the Business and Professions Code, relating to alcohol and drug counselors.

LEGISLATIVE COUNSEL'S DIGEST

SB 570, as amended, DeSaulnier. Advanced Alcohol and Drug Licensing Act.

Existing law provides for the registration, certification, and licensure of various healing arts professionals. Existing law provides for various

programs to eliminate alcohol and drug abuse, and states the finding of the Legislature that state government has an affirmative role in alleviating problems related to the inappropriate use of alcoholic beverages and other drug use.

This bill would establish licensure and registration provisions relating to advanced alcohol and drug counselors and advanced alcohol and drug counselor interns, respectively, to be administered by the newly created Advanced Alcohol and Drug Counselor Licensing Board within the Department of Consumer Affairs, and would authorize the board to commence issuing these licenses and registrations on January 1, 2017. The bill would make it a misdemeanor for a person to style himself or herself or to hold himself or herself out to be a licensed advanced alcohol and drug counselor or advanced alcohol and drug counselor intern, without holding a license or registration in good standing under these provisions, and commencing on January 1, 2017, it would be unlawful for a person to engage in the practice of alcohol and drug counseling outside of a licensed or certified alcohol and drug treatment facility, unless at the time of so doing, the person holds a valid, unexpired, and unrevoked license or registration under these provisions. *The bill would require a licensed alcohol and drug counselor working in a private practice setting to refer all clients to prescribed professionals, within 14 days of intake, to assess any cooccurring needs or disorders.* Because the bill would create a new crime, it would impose a state-mandated local program.

This bill would authorize the board to assess related fees and penalties to be deposited into the Advanced Alcohol and Drug Counselors License Fund available, upon appropriation by the Legislature, to the board for the purposes of supporting licensing and registration activities. The bill would set various licensing and registration fees, until the board establishes different fees by regulation.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

SECTION 1. Chapter 9.7 (commencing with Section 4450) is added to Division 2 of the Business and Professions Code, to read:

CHAPTER 9.7. ADVANCED ALCOHOL AND DRUG COUNSELOR
LICENSING AND ADVANCED ALCOHOL AND DRUG COUNSELOR
INTERN REGISTRATION

Article 1. General Provisions

4450. (a) This chapter shall be known, and may be cited, as the Advanced Alcohol and Drug Counselor Licensing Act.

(b) This chapter shall be liberally construed to achieve its objectives.

4450.1. For purposes of this chapter, the following definitions apply:

(a) “Advanced alcohol and drug counselor intern” or “AADCI” means an unlicensed person who has fulfilled the testing and education requirements in Section 4453 to become licensed, who is seeking to meet the supervised experience requirements of this chapter, and is registered with the board for this purpose.

(b) “Advertise” includes, but is not limited to, the issuance of any card, sign, or device to any person, or the causing, permitting, or allowing of any sign or marking on or in any building or structure, or in any newspaper or magazine or in any directory, or any printed matter, with or without any limiting qualification. Advertising also includes business solicitations communicated by radio or television broadcasting, the Internet, or any other electronic medium.

(c) “Board” means the Advanced Alcohol and Drug Counselor Licensing Board.

(d) “Clinical supervision” means the ongoing process performed by a supervisor, or monitoring the performance of one or more supervisees to ensure high-quality service delivery across domains of alcohol and drug counselor development, professional and ethical standards, program development, quality assurance, performance evaluation, and administration.

(e) “Clock hour” means 50 continuous minutes of instruction. Fifteen clock hours is equal to one semester unit of college credit.

1 (f) “Department” means the Department of Consumer Affairs.

2 (g) “Director” means the Director of Consumer Affairs.

3 (h) “Independent counseling practice” means an individual or
4 individuals who are licensed pursuant to terms of this chapter to
5 engage in the practice of alcohol and drug counseling, as defined
6 in Section 4454, in a setting outside of a licensed or certified
7 facility.

8 (i) “IC&RC” means the International Certification and
9 Reciprocity Consortium.

10 (j) “Licensed advanced alcohol and drug counselor” or
11 “LAADC” means a person licensed by the board pursuant to
12 Section 4453.1 or 4453.2 to practice alcohol and drug counseling,
13 who may provide clinical supervision to registered interns in the
14 State of California, and who may maintain an independent alcohol
15 and drug counseling practice outside of a program licensed or
16 certified by the state to provide alcohol and drug treatment services.

17 (k) “Student” means an unlicensed person who is currently
18 enrolled in a master’s or ~~doctorate~~ doctoral degree program, as
19 specified in paragraph (1) of subdivision (a) of Section 4453.2 that
20 is designed to qualify him or her for licensure under this chapter.

21
22 Article 2. The Advanced Alcohol and Drug Counselor Licensing
23 Board
24

25 4451. (a) There is in the Department of Consumer Affairs, the
26 Advanced Alcohol and Drug Counselor Licensing Board that
27 consists of the following members:

28 (1) Five state licensed advanced alcohol and drug counselors.

29 (2) Six public members.

30 (b) Each member, except the six public members, shall have at
31 least two years of experience in his or her profession.

32 (c) Each member shall reside in the State of California.

33 (d) (1) The Governor shall appoint four of the public members
34 and the five licensed members with the advice and consent of the
35 Senate.

36 (2) The Senate Committee on Rules shall appoint one public
37 member.

38 (3) The Speaker of the Assembly shall appoint one public
39 member.

1 (e) From the commencement of appointments and until licenses
2 for advanced alcohol and drug counselors are issued, the Governor
3 shall appoint alcohol and drug addiction counselors certified by a
4 certifying organization recognized by the department.

5 (f) Each member of the board shall be appointed for a term of
6 four years.

7 (1) A member appointed by the Speaker of the Assembly or the
8 Senate Committee on Rules shall hold office until the appointment
9 and qualification of his or her successor or until one year from the
10 expiration date of the term for which he or she was appointed,
11 whichever occurs first.

12 (2) Pursuant to Section 1774 of the Government Code, a member
13 appointed by the Governor shall hold office until the appointment
14 and qualification of his or her successor or until 60 days from the
15 expiration date of the term for which he or she was appointed,
16 whichever occurs first.

17 (g) A vacancy on the board shall be filled by appointment for
18 the unexpired term by the authority who appointed the member
19 whose membership was vacated.

20 (h) Not later than the first of June of each calendar year, the
21 board shall elect a chairperson and a vice chairperson from its
22 membership.

23 (i) Each member of the board shall receive a per diem of one
24 hundred dollars (\$100) for each day actually spent in the discharge
25 of official duties, and shall be reimbursed for traveling and other
26 expenses necessarily incurred in the performance of official duties.
27 The payments in each instance shall be made only from the fund
28 from which the expenses of the department are paid and shall be
29 subject to the availability of money. Notwithstanding any other
30 law, no public officer or employee shall receive per diem salary
31 compensation for serving on those boards, commissions,
32 committees, or the Consumer Advisory Council on any day when
33 the officer or employee also received compensation for his or her
34 regular public employment.

35 4451.1. (a) The board may appoint an executive officer. This
36 position is designated as a confidential position and is exempt from
37 civil service under subdivision (e) of Section 4 of Article VII of
38 the California Constitution.

39 (b) The executive officer serves at the pleasure of the board.

(c) The executive officer shall exercise the powers and perform the duties delegated by the board and that are vested in him or her by this chapter.

(d) With the approval of the director, the board shall fix the salary of the executive officer.

(e) The chairperson of the board may call meetings of the board and any duly appointed committee at a specified time and place. For purposes of this section, “call meetings” means setting the agenda, time, date, or place for a meeting of the board or a committee.

4451.2. Subject to the State Civil Service Act (Part 2 (commencing with Section 18500) of Division 5 of Title 2 of the Government Code), the board may employ any clerical, technical, and other personnel as it deems necessary to carry out the provisions of this chapter and the other chapters it administers and enforces, within budget limitations.

4451.3. The board shall keep an accurate record of all of its proceedings and a record of all applicants for licensure and all individuals to whom it has issued a license.

4451.4. The duty of administering and enforcing this chapter is vested in the board and the executive officer subject to, and under the direction of, the board. In the performance of this duty, the board and the executive officer have all the powers and are subject to all the responsibilities vested in, and imposed upon, the head of a department by Chapter 2 (commencing with Section 11150) of Part 1 of Division 3 of Title 2 of the Government Code.

4451.5. Protection of the public shall be the highest priority for the board in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.

Article 3. Administration

4452. The board shall administer and enforce this chapter.

4452.1. In order to carry out the provisions of this chapter, the board shall do, but shall not be limited to doing, all of the following:

(a) Adopt rules and regulations as necessary to administer and enforce this chapter. The adoption, amendment, and repeal of those

1 rules and regulations shall be made in accordance with the
2 rulemaking provisions of the Administrative Procedure Act
3 (Chapter 3.5 (commencing with Section 11340) of Part 1 of
4 Division 3 of Title 2 of the Government Code).

5 (b) Issue licenses and register interns seeking licensure
6 beginning January 1, 2017, to those who meet the qualifications
7 of this chapter and any regulations adopted pursuant to this chapter.

8 (c) Take disciplinary action against licensees and registered
9 interns where appropriate, including reprimand or probation,
10 suspension, or revocation of the license; or registration, issuance
11 of administrative citations, ~~or~~ imposition of administrative fines
12 not to exceed five thousand dollars (\$5,000), or any combination
13 of these. The board shall not take action against certified counselors
14 and staff of licensed and certified facilities who are not registered
15 with the board as interns or who are not licensed by the board.

16 (d) Establish continuing education requirements.

17 (e) Establish procedures for the receipt, investigation, and
18 resolution of complaints.

19 (f) Establish criteria to determine whether the curriculum of an
20 educational institution satisfies the requirements imposed by this
21 chapter.

22 (g) Establish parameters of unprofessional conduct that are
23 consistent with the uniform code of conduct adopted by the
24 California Coalition of Certifying Organizations and accepted by
25 the ~~department~~ *State Department of Health Care Services* in June
26 2013.

27 (h) Establish reinstatement procedures for an expired or revoked
28 certificate or license.

29 (i) Establish policies to implement and enforce clinical
30 supervision requirements for registered interns prescribed in
31 Section 5543.2.

32 (j) Adopt one examination for administering to prospective
33 licensees. The test may be administered by the board or by a public
34 or private entity selected by the board.

35 (k) Maintain a database of licensees and registered interns,
36 including the individual's status, any public record of discipline,
37 and other information as the board may require.

38 (l) Establish an advisory committee composed of one or more
39 representatives of consumers, alcohol and drug counselors, alcohol
40 and drug counselor employers, counties, educators, referral sources,

1 and other persons as the board may determine, that shall meet at
2 least two times per year and make recommendations to the board
3 concerning curriculum, criminal background checks, unprofessional
4 conduct, and other matters as the board may refer to the committee.
5 This committee shall become inoperative two years after the
6 ~~issuance of licenses~~ *board issues the first license pursuant to this*
7 *chapter.*

8
9 Article 4. Qualifications and Requirements for Licensure and
10 Registration
11

12 4453. (a) Commencing January 1, 2017, the board shall issue
13 a registration for an advanced alcohol and drug counselor intern
14 (AADCII) who meets all of the following requirements:

15 (1) Possesses an earned master of arts, master of science, or
16 doctoral degree in alcohol and drug counseling, psychology, social
17 work, counseling, marriage and family therapy, counseling
18 psychology, clinical psychology, or other clinically focused major
19 or an equivalent degree recognized by the board, from an institution
20 of higher learning accredited by the Western Association of
21 Schools and ~~Colleges~~, *Colleges*, the Bureau for Private
22 Postsecondary Education, or state or regional accrediting agency
23 approved by the board. The board has the authority to make the
24 final determination as to whether a degree meets all requirements,
25 including, but not limited to, course requirements, regardless of
26 approval.

27 (2) Completes 315 clock hours of alcohol and drug specific
28 education approved by the board from an institution of higher
29 learning accredited by the Western Association of Schools and
30 Colleges, the Bureau for Private Postsecondary Education, or a
31 state or regional accrediting agency approved by the board. This
32 education shall include, but is not limited to, all of the following:

33 (A) Forty-five clock hours of psychopharmacology/physiology
34 of addiction including the following areas: examination of the
35 effects of alcohol and similar legal psychoactive drugs to the body
36 and behavior; damage to the body and behaviors; damage to the
37 brain, liver, and other organs; tolerance, cross tolerance, and
38 synergistic effects; physiological differences between males and
39 females; disease model including neurobiological signs and
40 symptoms.

1 (B) Forty-five clock hours of clinical
2 evaluation/psychopathology, including the following areas: initial
3 interviewing process; biopsychosocial assessment; differential
4 diagnosis; diagnostic summaries; co-occurring disorders, referral
5 processes, and the evaluation of clients using placement criteria,
6 including the ASAM patient placement criteria or other validated
7 clinical tools, to determine the most appropriate level of care for
8 the client and eligibility for admission to a particular alcohol and
9 other drug abuse treatment program.

10 (C) Forty-five clock hours of counseling/psychotherapy for
11 addiction, including the following areas: introduction to counseling;
12 introduction to techniques and approaches; crisis intervention;
13 individual counseling focused on addiction; group counseling; and
14 family counseling as it pertains to addiction treatment.

15 (D) Forty-five clock hours in case management, including the
16 following areas: community resources; consultation;
17 documentation; and HIV positive resources.

18 (E) Forty-five clock hours of client education, including the
19 following areas: addiction recovery; psychological client education;
20 biochemical/medical client education; sociocultural client
21 education; addiction recovery and psychological family education;
22 biomedical and sociocultural family education; and community
23 and professional education.

24 (F) Forty-five clock hours of professional responsibility/law
25 and ethics, including the following: ethical standards, legal aspects,
26 cultural competency, professional growth, personal growth,
27 dimensions of recovery, clinical supervision, and consultation;
28 community involvement; and operating a private practice.

29 (3) Completes a supervised practicum of no less than 315
30 performance (experience) hours, including 45 hours of classroom
31 instruction and 255 hours of practical experience performed at an
32 agency approved by the practicum instructor. The practical
33 experience shall include the core functions demonstrating the
34 application of knowledge and skills in practice setting essential to
35 professional alcohol and drug counseling.

36 (4) Submits to a state and federal level criminal offender record
37 information search and passes both background checks as specified
38 in Section 4456.8.

39 (5) Pays the required fees as set by the board.

40 (6) Completes the application for registration.

(b) The board may accept any or all of the hours of education stipulated in Section 5543.2 as part of the education leading to a person's earned master of arts, master of science, or doctoral degree.

4453.1. Commencing January 1, 2017, and ceasing with the disposition of all completed applications actually received by the board by June 30, 2018, the board shall issue a licensed advanced alcohol and drug counselor (LAADC) license pursuant to subdivision (b) of Section 4452.1 to each person who the board determines is qualified either pursuant to subdivision (a) or (b):

(a) A license shall be granted by the board to a certified alcohol and drug counselor who meets all of the following requirements on or before January 1, 2017:

(1) Holds a current, valid, advanced alcohol and drug counseling certification, or clinical supervision certification issued by a certifying organization recognized by the ~~department~~ *State Department of Health Care Services* on or before January 1, 2017. For the purpose of this subdivision, an "advanced alcohol and drug counseling certification" or "clinical supervision certification" shall include all of the following minimum requirements for purposes of applying for licensure under this section:

(A) Documentation of 315 hours of alcohol and drug counseling education approved for certification by the IC&RC or any other organization recognized by the board to have standards equal to or higher than those of the IC&RC.

(B) A 45-hour practicum course approved for certification by the IC&RC or any other organization recognized by the board to have standards equal to or higher than those of the IC&RC, or a supervised internship approved by the board.

(C) Documentation of 6,000 hours of work experience as an alcohol and drug counselor approved for certification by the IC&RC or any other organization recognized by the board to have standards equal to or higher than those of the IC&RC.

(D) Receipt of a passing score on a test approved for certification by the IC&RC or any other organization recognized by the board to have standards equal to or higher than those of the IC&RC.

(E) A letter from a certifying organization affiliated with the IC&RC and recognized by the department, or any other organization recognized by the board to have standards equal to or higher than those of the IC&RC, that confirms that the applicant

1 is an advanced-level counselor in good standing at the time of the
2 application.

3 (2) The education described in subparagraph (A) of paragraph
4 (1) shall include, but is not limited to, both of the following:

5 (A) Forty-five clock hours of clinical
6 evaluation/psychopathology, including the following areas: initial
7 interviewing process; biopsychosocial assessment; differential
8 diagnosis; diagnostic summaries; and cooccurring disorders,
9 referral processes, and the evaluation of clients using placement
10 criteria, including the ASAM patient placement criteria or other
11 validated clinical tools, to determine the most appropriate level of
12 care for the client and eligibility for admission to a particular
13 alcohol and other drug abuse treatment program.

14 (B) Forty-five clock hours of professional responsibility/law
15 and ethics, including the following: ethical standards, legal aspects,
16 cultural competency, professional growth, personal growth,
17 dimensions of recovery, clinical supervision, consultation;
18 community involvement; and operating a private practice.

19 (3) Submits to a state and federal level criminal offender record
20 information search no later than January 1, 2017, and passes both
21 background checks as specified in Section 4456.8.

22 (4) Provides a letter from a certifying organization affiliated
23 with the IC&RC and recognized by the ~~department~~ *State*
24 *Department of Health Care Services*, or any other organization
25 recognized by the board to have standards equal to or higher than
26 those of the IC&RC, that confirms that the applicant has
27 documented a total of 10,000 hours of experience in alcohol and
28 drug abuse counseling consistent with IC&RC standards for
29 advanced certification. Work experience documented to meet this
30 requirement shall have occurred within 10 years prior to the
31 implementation of this chapter.

32 (A) Documentation of an associate of arts degree may be
33 counted for 2,000 experience hours.

34 (B) Documentation of a bachelor's degree may be counted for
35 4,000 experience hours.

36 (C) Documentation of a master's degree may be counted for
37 6,000 hours of experience.

38 (D) A degree used in lieu of experience hours is required to be
39 substantially related to alcohol and drug counseling.

40 (5) Pays the required fees as set by the board.

1 (6) Completes the application for a license.

2 (b) A license shall be granted by the board to a person licensed
3 in the State of California who practices alcohol and drug counseling
4 and who meets all of the following requirements on or before
5 January 1, 2016:

6 (1) Provides documentation to the board that he or she currently
7 holds a valid license in the state to practice marriage family
8 therapy, psychology, social work, professional counseling, or
9 medicine.

10 (2) Provides documentation to the board of 6,000 hours of
11 experience in providing alcohol and drug counseling services
12 directly to patients.

13 (3) Pays the required fees as set by the board.

14 (4) Completes the application for a license.

15 (c) All of the hours of education and experience stipulated in
16 Section 4453.2 may be gained as part of the education leading to
17 a person's earned master of arts, master of science, doctoral degree,
18 or certification preparation.

19 4453.2. (a) Commencing January 1, 2017, the board shall issue
20 a LAADC license pursuant to subdivision (b) of Section 4452.1
21 to each person who the board determines meets all of the following
22 requirements:

23 (1) Possesses an earned master of arts, master of science, or
24 doctoral degree in alcohol and drug counseling, psychology, social
25 work, counseling, marriage and family therapy, counseling
26 psychology, clinical psychology, or other clinically focused major
27 or an equivalent degree recognized by the board, from an institution
28 of higher learning accredited by the Western Association of
29 Schools and Colleges or an equivalent accrediting agency approved
30 by the United States Department of Education.

31 (2) Completes the educational requirements in paragraphs (2)
32 and (3) of subdivision (a) of Section 4453.

33 (3) Submits documentation of 2,000 hours of work experience
34 as an alcohol and drug counselor, of which 1,500 hours may be
35 substituted by documenting certification in good standing as an
36 alcohol and drug counselor as per certification regulations of this
37 state.

38 (4) Receives a passing score on a nationally recognized exam
39 for licensure designated by the board.

1 (5) Submits to a state and federal level criminal offender record
2 information search and passes both background checks as specified
3 in Section 4456.8.

4 (6) Pays the required fees as set by the board.

5 (7) Completes the application for a license.

6 (b) The board may accept any or all of the hours of education
7 required by this section as part of the education leading to a
8 person's earned master of arts, master of science, or doctoral
9 degree.

10 4453.3. (a) Education, supervised experience, and work
11 experience gained outside of California may be accepted toward
12 the licensing requirements if it is substantially the equivalent of
13 the requirements of this chapter.

14 (b) The board may issue a license to a person who, at the time
15 of application, meets all of the following requirements:

16 (1) Has held a valid, active alcohol and drug counseling license
17 or certification issued by a board of alcohol and drug counseling
18 examiners or corresponding authority of any state.

19 (2) Passes the current applicable examination.

20 (3) Pays the required fees.

21 (4) Passes the required background check, as specified in Section
22 4456.8.

23 (5) Is not subject to denial of licensure under this chapter.

24 4453.4. (a) The supervised experience required in Section
25 4453.2 may be gained under the clinical supervision of an LAADC,
26 or a licensed health professional specified by the board. This
27 experience shall meet all of the following criteria:

28 (1) Every two years, completion of a clinical supervision training
29 program approved by the board.

30 (2) A minimum of 70 percent of the required hours shall be
31 face-to-face individual or group counseling provided to clients in
32 the context of addiction treatment services.

33 (3) A maximum of 30 percent of the required hours may be in
34 case management, client-centered advocacy, consultation,
35 evaluation, and research.

36 (4) The required hours of supervised experience shall be
37 obtained over a period of not less than two years and shall have
38 been gained within the six years immediately preceding the date
39 on which the application for licensure was filed.

1 (5) Experience shall not be credited for more than 40 hours in
2 any week.

3 (b) Prior to the commencement of clinical supervision, a
4 supervisor shall comply with all requirements for supervisors as
5 established by the board.

6 (c) (1) A supervisee shall receive an average of at least one
7 hour of direct supervisor contact for every week in which more
8 than 10 hours of face-to-face counseling is performed in each
9 setting where experience is gained.

10 (2) No more than five hours of direct clinical supervision,
11 whether individual or group, shall be credited during a single week.

12 (d) For purposes of this section, “one hour of direct supervisor
13 contact” means one hour of face-to-face contact on an individual
14 basis or two hours of face-to-face contact in a group, of not more
15 than eight persons receiving clinical supervision, addressing the
16 substance of the supervisory plan required in subdivision (e).

17 (e) The supervisor and the supervisee shall develop a supervisory
18 plan that describes the goals and objectives of clinical supervision.
19 These goals shall include the ongoing assessment of strengths and
20 limitations and the assurance of practice in accordance with the
21 laws and regulations.

22 (f) Experience shall be gained only in a setting that meets both
23 of the following requirements:

24 (1) Lawfully and regularly provides alcohol and other drug
25 counseling.

26 (2) Provides oversight to ensure that the supervisee’s work at
27 the setting meets the experience and clinical supervision
28 requirements set forth in this chapter and is within the scope of
29 practice for the profession as defined in Section 4454.

30 (g) Experience shall not be gained prior to becoming a registered
31 intern.

32 (h) A supervisee may be either a paid employee or a volunteer.
33 Employers are encouraged to provide fair remuneration to
34 supervisees.

35 (i) A supervisee shall not receive remuneration from patients
36 or clients, and shall be paid only by his or her employer. A
37 supervisee shall not have a proprietary interest in the employer’s
38 business.

39 (j) A supervisee may receive clinical supervision from a person
40 not employed by the supervisee’s employer if that person has

signed a written agreement with the employer to take supervisory responsibility for the supervisee's addiction counseling.

(k) Notwithstanding any other law, a supervisee shall receive a minimum of one hour of clinical supervision per week for each setting in which he or she is working.

(l) The board ~~may~~ *shall* limit, by regulation, the number of registered interns that one supervisor may supervise, the number of registered interns that may be supervised in a given program or setting, and the proportion of the workforce in a given program or setting that may be comprised of registered interns.

(m) Programs licensed or certified by the ~~department~~ *State Department of Health Care Services* are not required to adhere to the supervision provisions of this section. Alcohol and drug counselors working or volunteering in licensed or certified facilities may use hours completed while working or volunteering in a facility licensed or certified by the ~~department~~ *State Department of Health Care Services* if the conditions for supervised hours are present at the time of service.

Article 5. Scope of Practice

4454. (a) (1) The board shall issue a license or intern registration to each applicant meeting the requirements of this chapter. That license or registration permits the holder to engage in alcohol and drug counseling as defined in subdivision (c), entitles the holder to use the title of licensed advanced alcohol and drug counselor or advanced alcohol and drug counselor intern, as applicable, and authorizes the holder to hold himself or herself out as qualified to perform the functions delineated by this chapter, subject to any limitations relating to the level of the license or registration or other conditions that may be imposed by the board.

(2) The form and content of the license or registration shall be determined by the board.

(b) A licensee or registered intern may perform the acts listed in this section only for the purpose of treating alcohol and drug addiction.

(c) (1) For the purposes of this chapter, "alcohol and drug counseling" means a process involving a psychotherapeutic relationship between a client who is experiencing addiction, dependence, abuse of alcohol or other drugs, or other symptoms

1 that relate to substance use and a counselor or therapist trained to
2 provide that help to address that addiction, dependence, or abuse.

3 (2) Addiction counseling includes the professional and ethical
4 application of basic tasks and responsibilities, including all of the
5 following:

6 (A) Screening, this is the process by which a client is determined
7 to be eligible for admission to a particular alcohol and drug
8 treatment program.

9 (B) Initial intake, which is the administrative and initial
10 assessment procedures for admission to an alcohol and drug
11 treatment program. Assessment shall not include psychological
12 testing intended to measure or diagnose mental illness.

13 (C) Orientation, which is the act of describing to the client the
14 general nature and goals of the alcohol and drug treatment program,
15 including rules governing client conduct and infractions that can
16 lead to disciplinary action or discharge from the program.

17 (D) Alcohol and drug abuse counseling, including individual,
18 group, and significant others. The utilization of special skills to
19 assist individuals, families, or groups in achieving objectives
20 through exploration of a problem and its ramifications, examination
21 of attitudes and feelings, considerations of alternative solutions,
22 and decisionmaking as each relates to substance use. Counseling
23 shall be limited to assisting a client in learning more about himself
24 or herself for the purposes of understanding how to effectuate
25 clearly perceived and realistically defined goals related to
26 abstinence. Counseling is limited to assisting the client to learn or
27 acquire new skills that will enable the client to cope and adjust to
28 life situations without the use of substances.

29 (E) Case management, which is the activities that bring services,
30 agencies, resources, or individuals together within a planned
31 framework of action toward achievement of established goals.
32 Case management may involve liaison activities and collateral
33 contacts.

34 (F) Crisis intervention, which is providing services that respond
35 to an alcohol or drug user's needs during acute emotional or
36 physical distress, including, but not limited to, referrals for
37 assessment of the client's need for additional psychological or
38 medical treatment for client behaviors that signal risk or prolonged
39 distress.

1 (G) Assessment, which is the use of procedures by which a
2 counselor or program identifies and evaluates an individual's
3 strengths, weaknesses, problems, and needs for the development
4 of the alcohol and drug treatment plan.

5 (H) Treatment planning, which is the process by which the
6 counselor and the client identify and rank problems needing
7 resolution, establish agreed-upon immediate and long-term goals,
8 and decide on a treatment process and the resources to be utilized.

9 (I) Client education, which is providing information to
10 individuals and groups concerning alcohol and drug use and the
11 services and resources available.

12 (J) Referral, which is identifying the needs of the client that
13 cannot be met by the counselor or agency, as well as assisting the
14 client in utilizing the support systems and community resources
15 available.

16 (K) Reports and recordkeeping, which is the documentation of
17 the client's progress in achieving his or her goals.

18 (L) Consultation with other professionals with regard to client
19 treatment or services and communicating with other professionals
20 to ensure comprehensive, quality care for the client.

21 4454.1. (a) Alcohol and drug counseling includes
22 understanding and application of the limits of the counselor's own
23 qualifications and scope of practice, including, but not limited to,
24 screening and, as indicated, referral to or consultation with an
25 appropriately licensed health practitioner consistent with the
26 client's needs. Every licensee who operates an independent
27 counseling practice shall refer any client assessed as needing the
28 services of another licensed professional to that professional in a
29 timely manner.

30 (b) (1) *Licensed alcohol and drug counselors providing services*
31 *in a private practice setting shall refer all clients for an initial*
32 *assessment to one of the following professionals within 14 days*
33 *of intake to assess any cooccurring needs or disorders:*

34 (A) *A marriage and family therapist.*

35 (B) *A licensed clinical social worker.*

36 (C) *A licensed psychologist.*

37 (D) *A licensed physician and surgeon certified in psychiatry by*
38 *the American Board of Psychiatry and Neurology.*

39 (E) *A licensed physician and surgeon who has completed a*
40 *residency, but is not yet board certified, in psychiatry.*

1 (F) A licensed professional clinical counselor.

2 (G) Any other licensed professional approved by the board.

3 (2) Referrals made pursuant to this subdivision shall be
4 documented in the client's chart.

5 (3) A professional receiving a referral pursuant to this
6 subdivision shall, with the written consent of the client, provide
7 to the referring alcohol and drug counselor a signed, written report
8 that includes assessment results and treatment and referral
9 recommendations. The referring alcohol and drug counselor shall
10 place the report in the client's chart.

11 (4) A licensee shall, in an effective and safe manner, demonstrate
12 the ability to refer patients in need of services that exceed the scope
13 of practice of an alcohol and drug counselor. The licensee shall
14 maintain current referral information for the services he or she is
15 prohibited from providing.

16 (5) During the course of the screening and intake process, a
17 licensed alcohol and drug counselor, working within the scope of
18 his or her practice, shall determine the level of care most
19 appropriate for the client and the need for integrated treatment in
20 the presence of medical, emotional, and behavioral conditions.
21 This determination shall be based on the client's state of
22 intoxication or withdrawal, the presence of other conditions,
23 relapse potential, the nature of the recovery environment, and
24 other client issues, including, but not limited to, legal, financial,
25 or housing issues.

26 (6) If the licensed alcohol and drug counselor properly refers
27 a client as required pursuant to this subdivision, the counselor
28 shall not be deemed to be practicing illegally based solely on a
29 client's refusal or failure to follow up on the referral, and the
30 counselor may continue to see and treat the client.

31 4454.2. Provided that this exception does not preclude the
32 board from considering conduct in any setting in its determination
33 of fitness for registration or licensure or in a disciplinary matter,
34 this chapter shall not apply to any of the following:

35 (a) A person who engages in the practice of alcohol and drug
36 counseling exclusively for any of the following:

37 (1) In-custody services of the Department of Corrections and
38 Rehabilitation.

39 (2) As an employee or volunteer of the State of California.

1 (3) As an employee or volunteer of an agency of the government
2 of the United States.

3 (b) A person who is an unpaid member of a peer or self-help
4 group who performs peer group or self-help activities if the person
5 does not use a title stating or implying that he or she is a licensed
6 or certified alcohol and drug counselor or registered intern.

7 (c) A cleric or other religious leader who provides spiritual
8 advice and guidance to members of his or her congregation or
9 order, or to other persons, if it is free of charge.

10 (d) A director, officer, or staff member of a program described
11 in Section 8001 of the Penal Code.

12 (e) A director, officer, or staff member of a program described
13 in subdivision (l) or (m) of Section 11752.1 of the Health and
14 Safety Code.

15 4454.3. This chapter shall not be construed to constrict, limit,
16 or withdraw the Medical Practice Act (Chapter 5 (commencing
17 with Section 2000)), the Nursing Practice Act (Chapter 6
18 (commencing with Section 2700)), the Psychology Licensing Act
19 Law (Chapter 6.6 (commencing with Section 2900)), the Licensed
20 Marriage and Family Therapist Act (Chapter 13 (commencing
21 with Section 4980)), the Clinical Social Worker Practice Act
22 (Chapter 14 (commencing with Section 4991)), or the Licensed
23 Professional Clinical Counselor Act (Chapter 16 (commencing
24 with Section 4999.10)). This section shall not be construed to mean
25 that persons exempted from this act pursuant this section shall be
26 required to be dually licensed in order to provide alcohol and drug
27 counseling services.

28 4454.4. A person who has received a registration or license
29 under this chapter may use the title “advanced alcohol and drug
30 counselor intern” or “AADCI,” or “licensed advanced alcohol and
31 drug counselor” or “LAADC,” in accordance with the type of
32 registration or license possessed. Every person who styles himself
33 or herself or who holds himself or herself out to be an advanced
34 alcohol and drug counselor intern, AADCI, or licensed advanced
35 alcohol and drug counselor, without holding a license or
36 registration in good standing under this chapter, is guilty of a
37 misdemeanor.

38 4454.5. (a) It is unlawful for a person to engage in the practice
39 of alcohol and drug counseling outside of a licensed or certified
40 alcohol and drug treatment facility, unless at the time of so doing,

1 the person holds a valid, unexpired, and unrevoked license or
2 registration under this chapter.

3 (b) This section shall become operative on January 1, 2017.

4
5 Article 6. Licenses and Renewals
6

7 4455. (a) Licenses or registrations issued under this chapter
8 shall expire within two years after the issue date. The expiration
9 date of the original license or registration shall be set by the board.

10 (b) To renew an unexpired license or registration, the licensee
11 or registered intern shall, on or before the expiration date of the
12 license or registration, complete the following actions:

13 (1) Apply for a renewal on a form prescribed by the board.

14 (2) Pay a two-year renewal fee prescribed by the board.

15 (3) Complete at least 60 hours of continuing education, as
16 approved by the board.

17 (4) Notify the board whether he or she has been convicted of a
18 misdemeanor or felony, or whether disciplinary action has been
19 taken by a regulatory or licensing board in this or any other state,
20 subsequent to the licensee or registered intern's last renewal.

21 (c) To renew an expired license or registration within three years
22 of its expiration, the licensee or registered intern shall, as a
23 condition precedent to renewal, do all of the following:

24 (1) Apply for renewal on a form prescribed by the board within
25 three years of the expiration date of the license.

26 (2) Pay the renewal fees that would have been paid if the license
27 or registration had not been delinquent.

28 (3) Pay all delinquency fees.

29 (4) Complete the applicable continuing education requirements.

30 (5) Notify the board whether he or she has been subject to, or
31 whether another department or board has taken, disciplinary action
32 since the last renewal.

33 (d) The department shall adopt regulations to allow for the
34 reinstatement of a license or registration that is not renewed within
35 three years after its expiration.

36 4455.1. (a) A licensed advanced alcohol and drug counselor
37 shall display his or her license in a conspicuous place at the primary
38 place of his or her business.

39 (b) The current renewal receipt shall be displayed near the
40 license.

1 4455.2. A licensed advanced alcohol and drug counselor who
2 conducts a private practice under a fictitious business name shall
3 not use a name that is false, misleading, or deceptive, and shall
4 inform the patient, prior to the commencement of treatment, of the
5 name and license designation of the owner or owners of the
6 practice.

7 4455.3. A suspended license is subject to expiration and may
8 be renewed as provided in this chapter, but the renewal does not
9 entitle the licensee, while the licensee remains suspended and until
10 the licensee is reinstated, to engage in the activity to which the
11 license relates, or in any other activity or conduct in violation of
12 the order or judgment by which it was suspended.

13 4455.4. (a) A licensed advanced alcohol and drug counselor
14 may apply to the board to request that his or her license be placed
15 on inactive status.

16 (b) A person who holds an inactive license shall pay a biennial
17 fee of one-half of the active renewal fee and shall be exempt from
18 continuing education requirements specified in paragraph (3) of
19 subdivision (b) of Section 4455, but shall otherwise be subject to
20 this chapter and shall not engage in the practice of alcohol and
21 drug counseling in this state.

22 (c) A person on inactive status who has not committed any acts
23 or crimes constituting grounds for denial of licensure or registration
24 may, upon his or her request, have his or her license to practice
25 alcohol and drug counseling placed on active status.

26 (d) A person requesting his or her license to be placed on active
27 status at any time during a renewal cycle shall pay a pro rata
28 portion of the renewal fees.

29 (e) A person requesting to have his or her license be placed on
30 active status whose license expires less than one year from the
31 date of the request shall be required to complete 20 hours of
32 continuing education for license renewal.

33 (f) A person requesting his or her license to be placed on active
34 status whose license expires more than one year from the date of
35 the request shall be required to complete 40 hours of continuing
36 education for license renewal.

37 4455.5. A person licensed or registered under this chapter shall
38 comply with all of the following:

39 (a) Provide written notice to the board within 30 days of any
40 change of address.

(b) Provide written notice to the board within 30 days of a name change giving both the old and the new names along with a copy of the legal document authorizing the name change, including, but not limited to, a court order or marriage license.

(c) Notify the board in writing within 30 days if he or she has been convicted of a misdemeanor or felony substantially related to the practice of alcohol drug counseling.

Article 7. Denial, Suspension, and Revocation

4456. The board may deny an application or may revoke, suspend, or impose conditions upon a license or the intern registration for unprofessional conduct. Unprofessional conduct, includes, but is not limited to, any of the following:

(a) Securing an intern registration, license, or renewal by fraud, deceit, or misrepresentation on an application or material in support of an application for intern registration, licensure, or renewal.

(b) Misrepresenting the type or status of intern registration or licensure held by the person, or otherwise misrepresenting or permitting misrepresentation of his or her education, professional qualifications, or professional affiliations to a person, program, or entity.

(c) Refusal or failure to provide proper identification as a licensee or registered intern where appropriate or required, including, but not limited to, when offering or providing alcohol and drug counseling services, on business cards, or on informational or marketing materials.

(d) Advertising, marketing, or promoting programs, services, training, education, or experience in a false and misleading manner, as set forth in Chapter 5 (commencing with Section 17200) of Part 2 of Division 7.

(e) Engaging in inappropriate social relationships, sexual relations, or soliciting sexual relations with a client or with a former client within two years from the termination date of the counseling relationship.

(f) Committing an act of sexual abuse, misconduct, or an act punishable as a sexually related crime.

(g) Engaging in a business relationship with clients, patients, program participants, residents, or other persons significant to

1 them within one year from the termination of the counseling
2 relationship.

3 (h) Physically, verbally, or sexually harassing, threatening, or
4 abusing other staff members, clients, patients, program participants,
5 residents, or other persons significant to any of those persons.

6 (i) Unlawfully administering to himself or herself a controlled
7 substance as defined in Section 4021, using any of the dangerous
8 drugs or devices specified in Section 4022, or using an alcoholic
9 beverage to the extent, or in a manner, as to be dangerous or
10 injurious to the person holding or applying for intern registration
11 or licensure or to any other person or to the public.

12 (j) Violating patient or client confidentiality, except as required
13 or permitted by law, including, but not limited to, Subparts A to
14 E, inclusive, of Part 2 of Subchapter A of Chapter 1 of Title 42 of
15 the Code of Federal Regulations, and child abuse, elder abuse, and
16 public safety laws and regulations.

17 (k) Failing to maintain records consistent with the nature of the
18 services being rendered.

19 (l) Refusing or denying patient or client access to charts and
20 records as required by law.

21 (m) Violating, attempting to violate, or conspiring to violate a
22 law or regulation governing licensed advanced alcohol and drug
23 counselors and registered interns.

24 (n) Failure to comply with the child abuse reporting
25 requirements of Section 11166 of the Penal Code.

26 (o) Failure to comply with the elder and dependent adult abuse
27 reporting requirements of Section 15630 of the Welfare and
28 Institutions Code.

29 4456.1. The board shall revoke a license or the registration of
30 an intern issued under this chapter upon a decision made in
31 accordance with the procedures set forth in the adjudication
32 provisions of the Administrative Procedure Act (Chapter 5
33 (commencing with Section 11500) of Part 1 of Division 3 of Title
34 2 of the Government Code) that contains a finding of fact that the
35 licensee or registered intern engaged in an act of sexual contact,
36 as defined in Section 729, when that act is with a client, or with a
37 former client when the relationship was terminated primarily for
38 the purpose of engaging in that act. The revocation shall not be
39 stayed by the administrative law judge or the board.

1 4456.2. The board may deny an application, or may revoke or
2 suspend a license or intern registration issued under this chapter,
3 for a denial of licensure, revocation, suspension, restriction, or
4 other disciplinary action imposed by another state or territory of
5 the United States, or by any other governmental agency, on a
6 license or registration to practice alcohol and other drug counseling
7 or other healing art. A certified copy of the disciplinary action
8 decision or judgment shall be conclusive evidence of that action.

9 4456.3. (a) The chairperson may temporarily suspend a license
10 or intern registration prior to a hearing when, in the opinion of the
11 chairperson, the action is necessary to protect the public or a client
12 from physical or mental abuse, abandonment, or other substantial
13 threat to health or safety.

14 (b) The chairperson shall give notice of the temporary
15 suspension and the effective date of the temporary suspension and,
16 at the same time, shall serve an accusation.

17 (c) Upon receipt of a notice of defense to the accusation, the
18 chairperson shall, within 15 days, set the matter for hearing, and
19 the hearing shall be held as soon as possible. The temporary
20 suspension shall remain in effect until the time the hearing is
21 completed and the chairperson has made a final determination on
22 the need for the temporary suspension to remain in place pending
23 resolution of the accusation.

24 (d) The temporary suspension shall be deemed vacated if the
25 chairperson fails to make a final determination on the merits within
26 30 days after the hearing, if the chairperson hears the matter
27 personally, or within 30 days after the board receives the proposed
28 decision from the Office of Administrative Hearings, or if the
29 matter is heard by a hearing officer selected by the board.

30 4456.4. (a) A person who has applied for or received a license
31 or intern registration from the board under this chapter has the
32 right to appeal an adverse decision of the board with regard to his
33 or her application, license, or registration.

34 (b) Unless the board specifies additional or different due process
35 provisions by regulation, an appeal shall be determined in
36 accordance with the adjudication provisions of the Administrative
37 Procedure Act (Chapter 5 (commencing with Section 11500) of
38 Part 1 of Division 3 of Title 2 of the Government Code).

1 4456.5. The board may impose reasonable terms, conditions,
2 or restrictions on a disciplinary action to protect the health, safety,
3 and welfare of the public.

4 4456.6. A person may request reinstatement of a license or
5 intern registration or a reduction of discipline, by applying for
6 reinstatement or reduction pursuant to Section 11522 of the
7 Government Code.

8 4456.7. (a) An applicant who fails an examination administered
9 by or on behalf of the board may within one year from the
10 notification date of failure retake that examination at the next
11 regularly scheduled examination date, without further application,
12 upon payment of the required examination fees.

13 (b) Thereafter, the applicant shall not be eligible for further
14 examination until he or she files a new application, meets all
15 current requirements, and pays all required fees.

16 4456.8. (a) An applicant for a license or intern registration
17 shall consent to a state and federal level criminal offender record
18 information search as part of a criminal history background check.
19 Refusal to consent to the criminal history background check, as
20 delineated in this section, shall result in denial of the license or
21 registration.

22 (b) The following procedure shall be followed for criminal
23 offender record information searches:

24 (1) The board shall submit to the Department of Justice
25 fingerprint images and related information required by the
26 Department of Justice of all advanced alcohol and drug counselor
27 licensure or advanced alcohol and drug counselor intern registration
28 applicants, as defined by Section 4450.1, to obtain information as
29 to the existence and content of a record of state or federal
30 convictions, state or federal arrests, and the existence and content
31 of a record of state or federal arrests for which the Department of
32 Justice establishes that the person is free on bail or on his or her
33 own recognizance pending trial or appeal.

34 (2) When received, the Department of Justice shall forward the
35 relevant information to the Federal Bureau of Investigation and
36 requests for federal summary criminal history information received
37 pursuant to this section. The Department of Justice shall review
38 the information returned from the Federal Bureau of Investigation
39 and compile and disseminate a response to the board.

1 (3) The Department of Justice shall provide a response to the
2 board pursuant to paragraph (1) of subdivision (p) of Section 11105
3 of the Penal Code.

4 (4) The board shall request from the Department of Justice
5 subsequent arrest notification service, as provided pursuant to
6 Section 11105.2 of the Penal Code, for persons described in
7 paragraph (1).

8 (5) The Department of Justice shall charge fees sufficient to
9 cover the cost of processing the request described in this section.
10 The applicant shall be responsible for payment of these fees.

11 (6) The applicant shall pay the fingerprint image rolling and
12 electronic submission fee charged by the live scan device operator.

13 (c) Before issuing a license or registration, the board shall ensure
14 that the state and federal level criminal history of the applicant is
15 reviewed.

16 (d) The board shall deny or revoke a person's license or
17 registration if, at the time of the board's determination, the person
18 meets one or more of the following criteria:

19 (1) He or she has been convicted of five or more criminal
20 offenses within a 30-month period ending two years or less prior
21 to the date of the board's determination.

22 (2) He or she is required to register as a sex offender pursuant
23 to Section 290 of the Penal Code.

24 (3) (A) Subject to subdivisions (b) and (c), he or she has been
25 convicted of a violent felony, as defined in Section 667.5 of the
26 Penal Code, within three years prior to the date of the board's
27 determination.

28 (B) After the expiration of three years from the date of
29 conviction, if a person described in subparagraph (A) is on parole,
30 he or she may be licensed or registered, if the board receives the
31 written approval of his or her parole officer or the Board of Parole
32 Hearings, as the Board of Parole Hearings may provide. The written
33 approval may be withdrawn by the Board of Parole Hearings upon
34 written notice to the licensee, registered intern, or parolee and to
35 the board. In the event of withdrawal of the approval, the licensee,
36 registered intern, or parolee's licensure or registration shall be
37 revoked by the board upon receipt by the board of the notice,
38 without further recourse against the board. The Board of Parole
39 Hearings shall set the procedure for review of the withdrawal of
40 approval. If the approval is reinstated, the board shall reinstate the

1 licensee, registered intern, or parolee if he or she is otherwise
2 eligible for reinstatement under this chapter and complies with all
3 applicable requirements.

4 (C) Subparagraph (B) shall also apply to a person convicted of
5 a crime that the board determines is substantially related to the
6 practice of alcohol and drug counseling.

7 (D) The board shall not deny or revoke a registration or license
8 pursuant to this subdivision solely on the basis of convictions
9 stemming from prior use of drugs or alcohol, provided the
10 individual meets the terms of rehabilitation established in
11 regulations developed pursuant to subparagraph (E).

12 (E) The board may establish by regulation additional criteria to
13 implement this subdivision, which may include, but is not limited
14 to, standards, exemptions, and terms of rehabilitation, and may
15 include rebuttable presumptions with regard to any of those.

16 4456.9. (a) Except as otherwise provided in this chapter, an
17 accusation filed pursuant to Section 11503 of the Government
18 Code against a person licensed or registered under this chapter
19 shall be filed within three years from the date the board discovers
20 the alleged act or omission that is the basis for disciplinary action
21 or within seven years from the date the alleged act or omission
22 that is the basis for disciplinary action occurred, whichever occurs
23 first.

24 (b) An accusation filed against a person licensed or registered
25 alleging the procurement of a license or registration by fraud or
26 misrepresentation is not subject to the limitations set forth in
27 subdivision (a).

28 (c) An accusation alleging sexual misconduct shall be filed
29 within three years after the board discovers the act or omission
30 alleged as the grounds for disciplinary action or within 10 years
31 after the act or omission alleged as the grounds for disciplinary
32 action occurred, whichever occurs first.

33 (d) If an alleged act or omission involves a minor, the seven-year
34 limitation period provided for by subdivision (a) and the 10-year
35 limitation period provided for by subdivision (d) shall be tolled
36 until the minor reaches the age of majority.

37 (e) The limitation period provided by subdivision (a) shall be
38 tolled during any period if material evidence necessary for
39 prosecuting or determining whether a disciplinary action would

1 be appropriate is unavailable to the board due to an ongoing
2 criminal investigation.

3 (f) For purposes of this section, “discovers” means the latest
4 occurrence of any of the following with respect to each act or
5 omission alleged as the basis for disciplinary action:

6 (1) The date the board received a complaint or report describing
7 the act or omission.

8 (2) The date, subsequent to the original complaint or report, on
9 which the board became aware of additional acts or omissions
10 alleged as the basis for disciplinary action against the same
11 individual.

12 (3) The date the board receives from the complainant a written
13 release of information pertaining to the complainant’s diagnosis
14 and treatment.

15 4456.10. (a) This chapter does not apply to an alcohol and
16 drug counselor from outside this state when he or she is in actual
17 consultation with a licensed practitioner of this state or when he
18 or she is an invited guest of a professional association or
19 educational institution for the sole purpose of engaging in
20 professional education through lectures, clinics, or demonstrations,
21 if he or she is, at the time of the consultation, lecture, or
22 demonstration, licensed to practice alcohol and drug counseling
23 in the state or country in which he or she resides.

24 (b) An alcohol and drug counselor described in subdivision (a)
25 shall not open an office or appoint a place to meet clients or receive
26 calls from clients within the limits of this state.

27 Article 8. Fiscal Provisions

28
29
30 4457. (a) The Advanced Alcohol and Drug Counselors License
31 Fund is hereby established in the State Treasury. All fees and fines
32 collected by the board in accordance with this chapter shall be
33 deposited in this fund.

34 (b) The moneys in the fund shall be available, upon
35 appropriation by the Legislature, for the purpose of supporting the
36 licensing and intern registration activities of the board.

37 4457.1. (a) Until the board establishes different fees by
38 regulation, the board shall assess the following fees relating to the
39 licensure of advanced alcohol and drug counselors and the
40 registration of advanced alcohol and drug counselor interns:

1 (1) The application fee for an initial registration shall be
2 seventy-five dollars (\$75).

3 (2) The fee for renewal of a registration shall be seventy-five
4 dollars (\$75).

5 (3) The fee for a written examination administered by the board
6 shall be one hundred fifty dollars (\$150). The fee for an
7 examination administered on behalf of the board shall not exceed
8 more than 125 percent of the standard examination fee assessed
9 by the testing company.

10 (A) An applicant who fails to appear for an examination, after
11 having been scheduled to take the examination, shall forfeit the
12 examination fee.

13 (B) This subdivision shall not establish or limit the examination
14 fee charged for the examination recognized in subdivision (a) of
15 Section 4453.2 or any other examination that is recognized by the
16 board but not administered by or on behalf of the board.

17 (4) The fee for issuance of an initial license shall be one hundred
18 fifty-five dollars (\$155).

19 (5) The fee for a license renewal shall be one hundred fifty-five
20 dollars (\$155).

21 (6) The fee for an inactive license renewal shall be seventy-seven
22 dollars and fifty cents (\$77.50).

23 (7) The renewal delinquency fee shall be seventy-five dollars
24 (\$75). A person who permits his or her license to expire is subject
25 to the delinquency fee.

26 (8) The fee for issuance of a replacement registration or license
27 shall be twenty dollars (\$20).

28 (9) The fee for issuance of a certificate or letter of good standing
29 shall be twenty-five dollars (\$25).

30 (10) The fee for board review of the criminal records information
31 shall be thirty dollars (\$30).

32 (11) The fee for the state level criminal offender record
33 information search shall be set by the Department of Justice and
34 the fee for the federal level criminal offender record information
35 search shall be set by the Federal Bureau of Investigation.

36 (b) The board may establish fees for other categories as
37 necessary, however, the total fees collected by the board pursuant
38 to this chapter shall not exceed the reasonable cost to the board
39 for administering this chapter. The fees described in subdivision

1 (a) shall not exceed the reasonable costs to the board for
2 administering this chapter.

3 (c) The startup funds to implement this chapter shall be derived,
4 as a loan, from the reserve of the fund, upon appropriation by the
5 Legislature, and the board is not required to implement this chapter
6 until those funds are appropriated.

7 SEC. 2. No reimbursement is required by this act pursuant to
8 Section 6 of Article XIII B of the California Constitution because
9 the only costs that may be incurred by a local agency or school
10 district will be incurred because this act creates a new crime or
11 infraction, eliminates a crime or infraction, or changes the penalty
12 for a crime or infraction, within the meaning of Section 17556 of
13 the Government Code, or changes the definition of a crime within
14 the meaning of Section 6 of Article XIII B of the California
15 Constitution.